APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,666	12/28/2000	Frank Liebenow	257/020	4510

30408 7590 03/18/2005		EXAMINER
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049		STRANGE, AARON N

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/752,666	LIEBENOW, FRANK
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2004</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,7-12,14,15 and 17-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,7-12,14,15 and 17-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *12/28/00* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/27/2004 have been fully considered but they are

not persuasive.

2.   With regard to claim 1, and Applicant's assertion that "it is not alleged in the

Office Action that the Motoyama patent discloses this erasing of files occurs 'with the

client', as required by claim 1" (Page 9, Lines 13-16 of Remarks), it is noted that claim 1

does not recite such a limitation. Claim 1 merely recites that the client obtains an

indication of a minimum length of time during which the data is to be temporarily stored.

No mention of erasing files appears in claim 1.

3.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

4.   With further regard to claim 1, and Applicant's assertion that Motoyama fails to

disclose "at what entity such erasing of files is performed, or more importantly , where

the 'minimum length of time during which the received data is to be temporarily stored'

occurs", the Examiner respectfully disagrees. Applicant has failed to consider the

combination of Mantha and Motoyama. Motoyama discloses that the data is stored and

erased from non-volatile storage devices after the expiration period has passed

(Motoyama, Col 5, Lines 53-60). In the cited combination of Mantha and Motoyama, the

"non-volatile storage device" is the local hard drive to which the data files are saved

(Mantha, Col 9, Lines 15-18).

5.   With regard to claim 20, and Applicant's assertion that Baugher is not related to

the system disclosed by Mantha and Motoyama, the Examiner respectfully disagrees.

Baugher teaches the advantages of allowing a user to manually control a system to

optimize the performance of the system, most importantly that a human being is the

most adaptable control means yet devised (Col 3, Lines 1-16). This is applicable to any

system in which the performance of the system relates to preferences of the users.

Since humans are the most adaptable control means, it would be advantageous to allow

the user to have control of the settings of the system so that they may adjust the

settings to match their preferences. In the present case, allowing the user to specify

how long they wish to save a web page before it expires would be advantageous since

it allows them to set an expiration time in accordance with their preferences.

6.   Applicant's arguments regarding claims 12, 14, and 20 have been considered but

are not persuasive for the reasons discussed regarding claim 1.

7.   While Applicant's arguments are not persuasive, in an effort to expedite

prosecution of the present application, new grounds of rejection have been presented

for the non-amended claims with regard to what the Examiner feels Applicant intends to

claim as his invention.

Claim Objections

8.   Claim 7 is objected to because of the following informalities: There appears to

be a typographical error "presenting user" in line 4. The Examiner recommends that he

claim be amended to recite "presenting a user". Appropriate correction is required.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   With regard to claims 12,14,15, and 17-20, the rejections presented under 35

USC 103(a), presented in the final Office action mailed 8/26/2004, are maintained.

11.   Claims 1,2,7,8,10,12,14,15,17-24, and 26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US

6,304,948), in further view of Netscape.

12.   With regard to claim 1, Mantha discloses receiving, by a client system in

response to a request by a user of the client system, data from a network in a

distributed system (Web page is accessed) (Col 8, Lines 28-39); and storing temporarily

at least a portion of the received data (Page is copied to local hard drive)(Col 9, Lines

15-18). Mantha fails to disclose obtaining by said client system from the user of the

client system, an indication of a minimum length of time during which the received

data is to be temporarily stored and storing the data for at least the minimum length of

time.

       Motoyama teaches the use of an expiration date to specify a time when a file

should be considered invalid or unusable, and subsequently erase it after the expiration

date has passed (Motoyama, Col 5, Lines 47-60). This is particularly advantageous

since it allows the removal of old data from storage, such as company records which

should be destroyed after a certain time period (Motoyama, Col 1, Lines 56-62).

However, Mantha and Motoyama fail to specifically recite that the indication of the

expiration period is received from by the client system from a user of the client system.

       Netscape teaches collecting an expiration time for history files from a user of

client system through a graphical interface (browser) executing on the client device.

Netscape collects a time from a user of the system, which is then used to determine

when the history files should expire. Allowing the user to specify the expiration time for the downloaded web pages would have been an advantageous addition to the system disclosed by Mantha in view of Motoyama, since it would have given them control over the expiration process.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to specify an expiration time at the client for the saved web pages, and storing the web pages until the expiration time has passed before deleting them.

13.   With regard to claim 2, Mantha further discloses that the received data is stored in a memory space accessible by the client system as cache (Subsequent requests for the saved page pull the page from the local hard drive) (Col 12, Lines 30-35).

14.   With regard to claim 7, Mantha further discloses the step of designating, on said client system, that the received data be temporarily stored, wherein the designating step includes a step of presenting a user with a window for user input (Window for page allows user to specify what action to take with the current page) (Col 8, Lines 22-26).

15.   With regard to claim 8, while the system disclosed by Mantha in view of Motoyama and Netscape shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the specifying step is carried out in by the user in real time.

However, Mantha discloses that properties such as the name and category of the page to be stored are collected from the user in real time (Col 8, Lines 40-51). It would have been advantageous to have the user specify a minimum length of time to store the received data at the same time as the name and category information. This would simplify and speed up the process of collecting the information and saving the page.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the specifying step be carried out by the user in real time with the collection of the name and category information for the page. This would simplify the collection of this information and speed up the process of saving the page.

16.   With regard to claim 10, Motoyama further discloses the step of deleting the data after the specified minimum length of time (Col 5, Lines 53-55).

17.   With regard to claim 12, Mantha discloses a method comprising: browsing at a client in order to locate Web page data (User accesses a Web page) (Col 8, Lines 28-29); and storing said Web page data temporarily in a cache (page is copied to local hard drive via save operation)(Col 8, Line 40 to Col 9, Line 14). However, Mantha fails to disclose entering a user specified time at the client, and after said user specified time period, deleting said Web page data from said cache.

Motoyama teaches the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration

date has passed (Motoyama, Col 5, Lines 47-60). This is particularly advantageous since it allows the removal of old data from storage, such as company records which should be destroyed after a certain time period (Motoyama, Col 1, Lines 56-62). However, Mantha and Motoyama fail to specifically recite that the indication of the expiration period is received from by the client system from a user of the client system.

Netscape teaches collecting an expiration time for history files from a user of client system through a graphical interface (browser) executing on the client device. Netscape collects a time from a user of the system, which is then used to determine when the history files should expire. Allowing the user to specify the expiration time for the downloaded web pages would have been an advantageous addition to the system disclosed by Mantha in view of Motoyama, since it would have given them control over the expiration process.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to specify an expiration time at the client for the saved web pages, and storing the web pages until the expiration time has passed before deleting them.

18.   With regard to claim 14, Mantha discloses a client comprising: a central processing unit (Col 6, Lines 42-45)., an input device coupled to said central processing unit (keyboard. and/or remote) (Col 6, Lines 30-39); an output device coupled to said central processing unit (monitor/television) (Col 6, Lines

52-55)', and a memory space operatively coupled lo said central processing unit for

storing data (hard drive) (Col 7, Lines 13-15), the client being configured to

temporarily store data downloaded from a network (Col 1 , Lines 62-65). Mantha fails to

disclose that the data is stored for a user specified minimum period of

time, after which period of time the stored data is subject to automatic deletion,

said user specified minimum period of time specified by entry made at said input

device.

Motoyama teaches the use of an expiration date to specify a time when a file

should be considered invalid or unusable, and subsequently erase it after the expiration

date has passed (Motoyama, Col 5, Lines 47-60). This is particularly advantageous

since it allows the removal of old data from storage, such as company records which

should be destroyed after a certain time period (Motoyama, Col 1, Lines 56-62).

However, Mantha and Motoyama fail to specifically recite that the indication of the

expiration period is received from by the client system from a user of the client system.

Netscape teaches collecting an expiration time for history files from a user of

client system through a graphical interface (browser) executing on the client device.

Netscape collects a time from a user of the system, which is then used to determine

when the history files should expire. Allowing the user to specify the expiration time for

the downloaded web pages would have been an advantageous addition to the system

disclosed by Mantha in view of Motoyama, since it would have given them control over

the expiration process.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to specify an expiration time at the client for the saved web pages, and storing the web pages until the expiration time has passed before deleting them.

19.   With regard to claim 15, Mantha further discloses that the memory space is a cache memory space (Subsequent requests for the saved page pull the page from the local hard drive)(Col 12, Lines 30-35).

20.   With regard to claim 17, while the invention disclosed by Mantha in view of Motoyama and Netscape shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the client is configured to respond to a user request to display information about the stored data.

However, Mantha in view of Motoyama and Netscape disclose that the client is configured to set certain properties with regard to the stored data at the time it is copied. These properties include setting a name, category, (Mantha, Col 8, Lines 40-51), and expiration date (Motoyama, Col 5, Lines 53-55) for the file. It would have been advantageous for the user to have the ability to retrieve this information at a later time, in order to determine when the page is scheduled to expire or which category it is located in. It would also give the user an opportunity to make changes to the information.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to configure the client in the system disclosed by Mantha

in view of Motoyama and Netscape to respond to a user request to display information

about the stored data. This gives the user the ability to retrieve important information

about a file, such as the expiration date, without requiring them to remember it from

when the data was stored.

21.   With regard to claim 18, while the invention disclosed by Mantha in view of

Motoyama and Netscape shows substantial features of the claimed invention

(discussed above), it fails to specifically disclose that the client is configured to respond

to a user request to modify a property of the stored data.

However, Mantha in view of Motoyama and Netscape disclose that the client is

configured to set certain properties with regard to the stored data at the time it is copied.

These properties include setting a name, category, (Mantha, Col 8, Lines 40-51), and

expiration date (Motoyama, Col 5, Lines 53-55) for the file. It would be advantageous for

the user to have the ability to modify these properties, in order to change the expiration

date of a page or place the page in a new category. For example, in the case of

modifying the expiration date, it would allow the user to ensure that the previously

cached copy is saved until the new expiration date. This would be particularly important

if the live version of the page has changed or is no longer available.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to configure the client in the system disclosed by Mantha

in view of Motoyama and Netscape to respond to a user request to display information

about the stored data. This gives the user the ability to modify important properties of a

file, such as the expiration date, ensuring that the cached page is kept as long as the

user desires it.

22.   With regard to claim 19, Mantha further discloses that the stored data is data

from one or more Web site images (Col 9, Lines 50-58)

23.   With regard to claim 20, Mantha discloses a system comprising: a client

configured to temporarily store data from a server (Col 1, Lines 62-65), to provide user

access when said data is not available form said server (Col 1, Line 66 to Col 2, Line 2).

Mantha fail to disclose that the data is stored for a user-specified minimum period of

time, or that the client is further configured to delete said data after expiration of said

user-specified minimum period of time, to recover memory space over time, said user-

specified minimum period of time specified being specified at the client.

Motoyama teaches the use of an expiration date to specify a time when a file

should be considered invalid or unusable, and subsequently erase it after the expiration

date has passed (Motoyama, Col 5, Lines 47-60). This is particularly advantageous

since it allows the removal of old data from storage, such as company records which

should be destroyed after a certain time period (Motoyama, Col 1, Lines 56-62).

However, Mantha and Motoyama fail to specifically recite that the indication of the

expiration period is received from by the client system from a user of the client system.

Netscape teaches collecting an expiration time for history files from a user of client system through a graphical interface (browser) executing on the client device. Netscape collects a time from a user of the system, which is then used to determine when the history files should expire. Allowing the user to specify the expiration time for the downloaded web pages would have been an advantageous addition to the system disclosed by Mantha in view of Motoyama, since it would have given them control over the expiration process.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to specify an expiration time at the client for the saved web pages, and storing the web pages until the expiration time has passed before deleting them.

24.   With regard to claims 21-24, as discussed regarding claims 1 and 8, Mantha in view of Motoyama and Netscape, while the system fails to specifically recite inquiring the user to determine if the received data should be saved and prompting the user for the minimum time period to save the data if the received data is to be temporarily saved, such features would have been obvious to one of ordinary skill in the art at the time the invention was made.

Mantha discloses that properties such as the name and category of the page to be stored are collected from the user before saving the data (Mantha, Col 8, Lines 40-51). Motoyama discloses that the data may be saved for any period of time, including indefinitely (Motoyama, Col 5, Lines 53-60). It would have been

advantageous to have the user specify whether or not to temporarily save the data and

a minimum length of time to store the received data at the same time as the name and

category information. This would simplify and speed up the process of collecting the

information and saving the page.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to collect the information regarding how long to save the

received data at the same time as the collection of the name and category information

for the page. This would simplify the collection of this information and speed up the

process of saving the page.

25.   With regard to claim 26, Mantha further discloses providing the user of the client

system with an option to delete an earlier version of the received data being stored (any

saved pages can be deleted) (Col 9, Lines 38-49).

26.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et

al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of

Netscape in further view of Lambert et al. (US 6.038,601).

27.   With regard to claim 9, while the invention disclosed by Mantha in view of

Motoyama and Netscape shows substantial features of the claimed invention

(discussed above), it fails to disclose the step of reading an instruction provided with the

received data, wherein the instruction indicates that the received data should be

temporarily stored.

Lambert et al. teach the use of HTML tags to store meta-data, controlling how

machines reading the pages cache them (Col 11, Line 1 to Col 12, Line 35). This allows

the site administrators of various sites to specify how a caching machine should treat

their pages. Parameters such as expiration dates can be set by the administrator to

ensure that clients are receiving the most current version of the site. It would be

advantageous for the client disclosed by Mantha et al. in view of Motoyama et al. to

support this feature in order to allow site administrators to specify some of the

parameters, particularly for inexperienced users.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made for the client to support reading an instruction provided

with the received data, wherein the instruction indicates that the received data should

be temporarily stored. This allows site administrators to specify which pages should be

stored, as well as parameters regarding their storage, such as expiration dates.

28.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha

et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of

Netscape in further view of Pirolli et al (US 6,098,064).

29.   With regard to claim 11, while the invention disclosed by Mantha in view of

Motoyama and Netscape shows substantial features of the claimed invention

(discussed above), it fails to disclose that the data is a first Web page containing a hyperlink to a second Web page and the storing step includes storing data of the second Web page.

Pirolli et al. disclose that pre-fetching of web ages is known in the art as a means for caching a Web before it is requested by the client, in anticipation that it will likely be requested in the future. Pages that are hyperlinked to other pages are often related. The user will often follow the hyperlink to see the related information. In the case of a cached page containing hyperlinks, it would be advantageous to further cache the pages linked to by the main page to be cached. This would allow the user to access the hyperlinks without requiring them to go online and access information that has potentially changed or may no longer be available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the client also store data of Web pages which are listed as hyperlinks in the main Web page to be cached. Since the hyperlinks likely point to relevant information, this will ensure that the user will have access to the pages as they were at the time the main page was cached. This eliminates any problems which may result from the hyperlinked pages going offline or being modified.

30.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of Netscape in further view of Ferguson (US 6,769,019).

31.   With regard to claim 25, while the invention disclosed by Mantha in view of

Motoyama and Netscape shows substantial features of the claimed invention

(discussed above), including the entries may be selected for processing based on a

heuristic process. Once an entry is selected, it is determined whether or not the

expiration time has passed and the entry is to be deleted (Motoyama, Col 6, Lines 19-

32). However, it fails to disclose selecting the data for processing on first in/first out

basis.

Ferguson teaches selecting entries to delete from a cache on a first in/first out

(FIFO) basis when the cache is determined to be full. This allows the oldest cached

items to be deleted first, and while saving the newest entries (Col 7, Lines 22-25 and

Col 27, Lines 45-52). This would have been an advantageous addition to the system

disclosed by Mantha in view of Motoyama and Netscape since it would have selected

the oldest entries for processing first, and deleted the oldest entries whose expiration

time has passed prior to deleting the more recent entries.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to select and delete the stored data on a first in/first out

basis once the expiration period for the data has passed. This would have maintained

more recent versions of cached content since the oldest entries are deleted first.

32.   Claims 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over

over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further

view of Netscape in further view of Official Notice.

33.   With regard to claims 27 and 28, while the system disclosed by Mantha in view of

Motoyama and Netscape shows substantial features of the claimed invention

(discussed above), it fails to disclose notifying the user of the client system prior to

deleting the received data or deleting the data after being authorized by the user.

The Examiner takes Official notice that it is old and well known in the art to notify

a user and obtain permission from them prior to deleting files. This allows the user to

monitor which files are being deleted and gives them a chance to stop deletion if they

prefer to keep the data. This has been performed in many well-known instances, such

as requiring a user to confirm whether or not to empty the Recycle Bin in Microsoft

Windows.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to notify the user that the expiration period has expired

and obtain permission to delete the expired files prior to deleting them. This would allow

the user to stop deletion of any file that they still want to keep.

Conclusion

34.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

35.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aaron Strange whose telephone number is 571-272-

3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free).

AS 3/11/2005

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TECHNOLOGY CENTER 2100